

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

MARLYS BALL AND CHARLES BALL,

Plaintiffs,

v.

Civil Action No. 2:13-cv-19981

BOSTON SCIENTIFIC CORP.,

Defendant.

MEMORANDUM OPINION AND ORDER
(Defendant's Motion for Partial Summary Judgment)

Boston Scientific asks the court to dismiss punitive damages claims. Mot. Partial Summ. J. [ECF No. 33]. Summary judgment cannot be granted if genuine disputes of material fact remain on the matter to be adjudicated. Fed. R. Civ. P. 56(a). Summary judgment on punitive damages is rare because the issue involves a web of factual determinations and evidentiary records are usually muddled enough that factual disputes remain. These concerns are present in this case, so summary judgment on punitive damages is not warranted. The court **DENIES** the Motion for Partial Summary Judgment [ECF No. 33] and **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 14, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE